

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-28168-2017

Date of Decision:01.12.2017

Jagroop Singh @ Rupa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, A.A.G., Punjab.

Mr. J.S. Dhaliwal, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0053 dated 06.12.2016 under Sections 302/34 IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

As per the allegations in the FIR, deceased Harmanpreet Singh @ Happy, who was about 21 years of age, was in the habit of consuming intoxicants. He was involved in one case of snatching registered at Police Station, Civil Lines, Batala, though was released on bail. As per the complainant, the petitioner has developed the habit of consuming drugs to his deceased son Harmanpreet Singh @ Happy. When the complainant asked the petitioner to stop it, an altercation has taken place between the

petitioner and the complainant, for which, the petitioner is stated to have threatened the complainant to teach him a lesson for entering into an altercation. On 04.12.2016, Harmanpreet Singh @ Happy has informed his father that he is going to meet the petitioner. Though the complainant tried to stop him but the deceased did not stop and left the house. Till 06.12.2016, he did not turn up and therefore, the complainant visited the house of the petitioner to ascertain the whereabouts of his son. But no satisfactory answer has come from the petitioner in this regard. Thereafter, the complainant came to know that one boy was lying in unconscious state in the fields near Kala Afgana, who was taken to Guru Nanak Dev Hospital, Amritsar in ambulance. On inquiry by the complainant from Guru Nanak Dev Hospital, Amritsar, he came to know that the dead body of the deceased was shifted in the caddy of the hospital. The complainant along with his brother Bachitar Singh reached the hospital and identified the body of deceased Harmanpreet Singh @ Happy. The complainant has alleged that some poisonous substance was given to the deceased by the petitioner with an intention to kill him.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the case. Even otherwise, as per report received from the Department of Forensic Medicine & Toxicology, Govt. Medical College, Amritsar, the doctor has opined that the cause of death is "Organophosphorus poisoning" and since the deceased was in the habit of consuming drugs, it is because of excess consumption, he died. As against 23 witnesses, only six witnesses have been examined and PW1-Kulwant Singh and PW2-Ranjit Singh have not supported the prosecution case. Moreover, the other co-accused, namely, Jagroop Singh

@ Jagga is already on anticipatory bail vide order dated 01.02.2017 passed in CRM-M-2795-2017 (Jagroop Singh @ Jagga Versus State of Punjab).

On the other hand, learned State Counsel, on instructions from ASI Gurpreet Singh, states that six witnesses have been examined and Khazan Singh, who is real uncle of the deceased while examined as PW6, has supported the prosecution case, though the other witnesses PW1-Kulwant Singh and PW2-Ranjit Singh have been declared hostile.

Similarly, learned counsel for the complainant has argued that since deceased Harmanpreet Singh @ Happy was in the company of the petitioner, there was no occasion for the petitioner to leave him alone and he instead of taking him to the hospital, abandoned the deceased which speaks about his conduct.

Having heard learned counsel for the parties and considering the fact that deceased Harmanpreet Singh @ Happy, who was in the habit of consuming intoxicants, has not been disputed and the allegation that the petitioner has given some poisonous substance in excess to his son, is yet to be established during trial, whether the “Organophosphorus” can be used in pesticides is also a matter to be decided during trial by the trial Court. The petitioner is in custody since 08.12.2016, coupled with the fact that the other co-accused namely, Jagroop Singh @ Jagga has been admitted on anticipatory bail, vide order dated 01.02.2017 and the other two witnesses i.e. PW1-Kulwant Singh and PW2-Ranjit Singh have not supported the prosecution version, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/heavy

surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

December 01, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No